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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – SAN FERNANDO VALLEY

IN RE:
LEO DEL ROSARIO, ZERLYN FONCECA
DEL ROSARIO
Debtors.

M.O.,

Plaintiff,

v.

LEO DEL ROSARIO, ZERLYN FONCECA
DEL ROSARIO,

Defendants.

Adv. Case No:
Case No.: 1:24-bk-10221-VK

Chapter 7

**ADVERSARY COMPLAINT
FOR DETERMINATION THAT
CERTAIN DEBTS ARE EXCEPTED
FROM DISCHARGE**

TO THE COURT AND ALL PARTIES IN INTEREST:

M.O., Plaintiff, and Creditor of the above-named Debtors, LEO DEL ROSARIO and
ZERLYN FONCECA DEL ROSARIO (collectively, “Defendants”), hereby seeks a

determination as to dischargeability of Plaintiff's debt in the above-entitled bankruptcy case pursuant to 11 U.S.C. §523(a)(6) and Rule 4007 of the Federal Rules of Bankruptcy Procedure, and allege as follows:

INTRODUCTION

1. This is a complaint for determination of dischargeability in the Chapter 7 bankruptcy case of Defendants, case number 1:24-bk-10221-VK, pending in the U.S. Bankruptcy Court for the Central District of California, San Fernando Valley.

2. Defendants are debtors on a judgment in favor of Plaintiff for battery and intentional infliction of emotional distress in connection with a stabbing incident. The principal amount of the judgment is \$1,045,609.46.

JURISDICTION

3. This Court has jurisdiction of this adversary proceeding pursuant to 11 U.S.C. § 523.

4. This is a core proceeding under 28 U.S.C. § 158(b)(2)(J).

VENUE

5. Venue is proper under 28 U.S.C. § 1409.

PARTIES

6. Plaintiff M.O. is an individual, who at all relevant times herein, is and was a resident of the County of Los Angeles, California.

7. Defendants LEO DEL ROSARIO and ZERLYN FONCECA DEL ROSARIO are individuals, who at all relevant times herein, were and are residents of the County of Los Angeles.

FACTUAL ALLEGATIONS

8. On December 28, 2023, a judgment was entered by the Los Angeles Superior Court, Case No. 20STCV32454 (the "Lawsuit"), against the Defendants in favor of Plaintiff on Plaintiff's causes of action for battery and intentional infliction of distress in connection with a stabbing incident (the "Judgment"). The principal amount of the judgment is \$1,045,609.46, the entirety of which, plus interest, remains unpaid and due and owing by Defendants.

9. On February 13, 2024, Defendants filed a voluntary petition for relief under Chapter 7 of

Title 11 of the United States Code, thereby initiating bankruptcy case number 1:24-bk-10221-VK, in the U.S. Bankruptcy Court for the Central District of California, Santa Ana Division (“Bankruptcy Case”).

FIRST CAUSE OF ACTION

(For a Determination That Defendant’s Debts Are Not Dischargeable Pursuant to 11 U.S.C. § 523(a)(6))

10. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 9 above, as though set forth fully herein.

11. Battery and intentional infliction of emotional distress constitute willful and malicious injury.

12. As set forth above, Plaintiff was awarded the Judgment on his causes of action for battery and intentional infliction of emotional against Defendants. The principal amount of the judgment is \$1,045,609.46, the entirety of which, plus interest, remains due and owing by Defendants (the “Debt”).

13. Defendants seek to discharge the Debt.

14. The Debt is nondischargeable pursuant to 11 U.S.C. § 523(a)(6), which excepts from discharge debts for willful and malicious injury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment against the Defendants:

1. Determining that the Debt of Defendants is nondischargeable under 11 U.S.C. § 523(a)(6);
2. For costs of suit herein incurred; and
3. For such other and further relief as this Court deems just and proper.

Dated: May 23, 2024

Respectfully Submitted
MEDVEI LAW GROUP, APC

By: /s/ Sebastian M. Medvei

Sebastian M. Medvei
Attorney for Plaintiff